

the use, operation, or possession of the vehicle during the period of the rental or lease, if—

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

(b) **FINANCIAL RESPONSIBILITY LAWS.**—Nothing in this section supersedes the law of any State or political subdivision thereof—

(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law.

(c) **APPLICABILITY AND EFFECTIVE DATE.**—Notwithstanding any other provision of law, this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action, or the conduct that caused the harm, occurred before such date of enactment.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **AFFILIATE.**—The term “affiliate” means a person other than the owner that directly or indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term “control” means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

(2) **OWNER.**—The term “owner” means a person who is—

(A) a record or beneficial owner, holder of title, lessor, or lessee of a motor vehicle;

(B) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or

(C) a lessor, lessee, or a bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

(3) **PERSON.**—The term “person” means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.

(Added Pub. L. 109–59, title X, §10208(a), Aug. 10, 2005, 119 Stat. 1935.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

#### SUBCHAPTER II—STANDARDS AND COMPLIANCE

### § 30111. Standards

(a) **GENERAL REQUIREMENTS.**—The Secretary of Transportation shall prescribe motor vehicle

safety standards. Each standard shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

(b) **CONSIDERATIONS AND CONSULTATION.**—When prescribing a motor vehicle safety standard under this chapter, the Secretary shall—

(1) consider relevant available motor vehicle safety information;

(2) consult with the agency established under the Act of August 20, 1958 (Public Law 85–684, 72 Stat. 635), and other appropriate State or interstate authorities (including legislative committees);

(3) consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed; and

(4) consider the extent to which the standard will carry out section 30101 of this title.

(c) **COOPERATION.**—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing motor vehicle safety standards.

(d) **EFFECTIVE DATES OF STANDARDS.**—The Secretary shall specify the effective date of a motor vehicle safety standard prescribed under this chapter in the order prescribing the standard. A standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. However, the Secretary may prescribe a different effective date after finding, for good cause shown, that a different effective date is in the public interest and publishing the reasons for the finding.

(e) **5-YEAR PLAN FOR TESTING STANDARDS.**—The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing motor vehicle safety standards prescribed under this chapter that the Secretary considers capable of being tested. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with section 30101 of this title and the Secretary’s other duties and powers under this chapter. The Secretary may change at any time those priorities to address matters the Secretary considers of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on December 18, 1991.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 944.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30111(a) .....	15:1392(a), (b), (e) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §§102(13), 103(a)–(c), (e), (f), 107 (related to standards), 80 Stat. 719, 721.
30111(b) .....	15:1391(13).	
30111(c) .....	15:1392(f).	
30111(c) .....	15:1396 (related to standards).	
30111(d) .....	15:1392(c), (e) (last sentence).	
30111(e) .....	15:1392(j).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §103(j); added Dec. 18, 1991, Pub. L. 102–240, §2505, 105 Stat. 2084.

In subsection (a), the words “shall prescribe” are substituted for “shall establish by order” in 15:1392(a) and “may by order” in 15:1392(e) (1st sentence) for consistency. The words “amend or revoke” in 15:1392(e) (1st sentence) and 1397(b)(1) (last sentence) are omitted because they are included in “prescribe”. The words “appropriate Federal” in 15:1392(a) and “Federal” in 15:1392(e) (1st sentence) are omitted as surplus. The words “established under this section” are omitted because of the restatement. The text of 15:1392(b) is omitted as surplus because 5:chs. 5, subch. II, and 7 apply unless otherwise stated.

In subsection (b)(1), the words “including the results of research, development, testing and evaluation activities conducted pursuant to this chapter” are omitted as surplus.

In subsection (b)(2), the words “agency established under the Act of August 20, 1958 (Public Law 85-684, 72 Stat. 635)” are substituted for 15:1391(13) and “the Vehicle Equipment Safety Commission” in 15:1392(f) because of the restatement. The citation in parenthesis is included only for information purposes.

In subsection (b)(4), the words “contribute to” are omitted as surplus.

In subsection (c), the words “departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies” are substituted for “other Federal departments and agencies, and State and other interested public and private agencies” for consistency. The words “planning and” are omitted as surplus.

In subsection (d), the words “The Secretary” are added for clarity. The words “effective date” are substituted for “the date . . . is to take effect” to eliminate unnecessary words. The words “under this chapter” are added for clarity. The words “However, the Secretary may prescribe a different effective date” are substituted for “unless the Secretary” for clarity. The word “different” is substituted for “earlier or later” to eliminate unnecessary words.

In subsection (e), the words “duties and powers” are substituted for “responsibilities”, and the word “change” is substituted for “adjust”, and for clarity and consistency in the revised title.

#### REFERENCES IN TEXT

Act of August 20, 1958, referred to in subsec. (b)(2), is set out as a note under former section 313 of Title 23, Highways.

#### CHILD SAFETY STANDARDS FOR MOTOR VEHICLES

Pub. L. 110-189, Feb. 28, 2008, 122 Stat. 639, provided that:

#### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Cameron Gulbransen Kids Transportation Safety Act of 2007’ or the ‘K.T. Safety Act of 2007’.

#### “SEC. 2. RULEMAKING REGARDING CHILD SAFETY.

##### “(a) POWER WINDOW SAFETY.—

“(1) CONSIDERATION OF RULE.—Not later than 18 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary of Transportation (referred to in this Act as the ‘Secretary’) shall initiate a rulemaking to consider prescribing or amending Federal motor vehicle safety standards to require power windows and panels on motor vehicles to automatically reverse direction when such power windows and panels detect an obstruction to prevent children and others from being trapped, injured, or killed.

“(2) DEADLINE FOR DECISION.—If the Secretary determines such safety standards are reasonable, practicable, and appropriate, the Secretary shall prescribe, under section 30111 of title 49, United States Code, the safety standards described in paragraph (1) not later than 30 months after the date of enactment of this Act. If the Secretary determines that no additional safety standards are reasonable, practicable, and appropriate, the Secretary shall—

“(A) not later than 30 months after the date of enactment of this Act, transmit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the reasons such standards were not prescribed; and

“(B) publish and otherwise make available to the public through the Internet and other means (such as the ‘Buying a Safer Car’ brochure) information regarding which vehicles are or are not equipped with power windows and panels that automatically reverse direction when an obstruction is detected.

“(b) REARWARD VISIBILITY.—Not later than 12 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary shall initiate a rulemaking to revise Federal Motor Vehicle Safety Standard 111 (FMVSS 111) to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. The Secretary may prescribe different requirements for different types of motor vehicles to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. Such standard may be met by the provision of additional mirrors, sensors, cameras, or other technology to expand the driver’s field of view. The Secretary shall prescribe final standards pursuant to this subsection not later than 36 months after the date of enactment of this Act.

##### “(c) PHASE-IN PERIOD.—

“(1) PHASE-IN PERIOD REQUIRED.—The safety standards prescribed pursuant to subsections (a) and (b) shall establish a phase-in period for compliance, as determined by the Secretary, and require full compliance with the safety standards not later than 48 months after the date on which the final rule is issued.

“(2) PHASE-IN PRIORITIES.—In establishing the phase-in period of the rearward visibility safety standards required under subsection (b), the Secretary shall consider whether to require the phase-in according to different types of motor vehicles based on data demonstrating the frequency by which various types of motor vehicles have been involved in backing incidents resulting in injury or death. If the Secretary determines that any type of motor vehicle should be given priority, the Secretary shall issue regulations that specify—

“(A) which type or types of motor vehicles shall be phased-in first; and

“(B) the percentages by which such motor vehicles shall be phased-in.

##### “(d) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

“(1) REQUIREMENT.—Each motor vehicle with an automatic transmission that includes a ‘park’ position manufactured for sale after September 1, 2010, shall be equipped with a system that requires the service brake to be depressed before the transmission can be shifted out of ‘park’. This system shall function in any starting system key position in which the transmission can be shifted out of ‘park’.

“(2) TREATMENT AS MOTOR VEHICLE SAFETY STANDARD.—A violation of paragraph (1) shall be treated as a violation of a motor vehicle safety standard prescribed under section 30111 of title 49, United States Code, and shall be subject to enforcement by the Secretary under chapter 301 of such title.

##### “(3) PUBLICATION OF NONCOMPLIANT VEHICLES.—

“(A) INFORMATION SUBMISSION.—Not later than 60 days after the date of the enactment of this Act [Feb. 28, 2008], for the current model year and annually thereafter through 2010, each motor vehicle manufacturer shall transmit to the Secretary the make and model of motor vehicles with automatic

transmissions that include a 'park' position that do not comply with the requirements of paragraph (1).

“(B) PUBLICATION.—Not later than 30 days after receiving the information submitted under subparagraph (A), the Secretary shall publish and otherwise make available to the public through the Internet and other means the make and model of the applicable motor vehicles that do not comply with the requirements of paragraph (1). Any motor vehicle not included in the publication under this subparagraph shall be presumed to comply with such requirements.

“(e) DEFINITION OF MOTOR VEHICLE.—As used in this Act and for purposes of the motor vehicle safety standards described in subsections (a) and (b), the term ‘motor vehicle’ has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include—

“(1) a motorcycle or trailer (as such terms are defined in section 571.3 of title 49, Code of Federal Regulations); or

“(2) any motor vehicle that is rated at more than 10,000 pounds gross vehicular weight.

“(f) DATABASE ON INJURIES AND DEATHS IN NONTRAFFIC, NONCRASH EVENTS.—

“(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary shall establish and maintain a database of injuries and deaths in nontraffic, noncrash events involving motor vehicles.

“(2) CONTENTS.—The database established pursuant to paragraph (1) shall include information regarding—

“(A) the number, types, and causes of injuries and deaths resulting from the events described in paragraph (1);

“(B) the make, model, and model year of motor vehicles involved in such events, when practicable; and

“(C) other variables that the Secretary determines will enhance the value of the database.

“(3) AVAILABILITY.—The Secretary shall make the information contained in the database established pursuant to paragraph (1) available to the public through the Internet and other means.

#### “SEC. 3. CHILD SAFETY INFORMATION PROGRAM.

“(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary shall provide information about hazards to children in nontraffic, noncrash incident situations by—

“(1) supplementing an existing consumer information program relating to child safety; or

“(2) creating a new consumer information program relating to child safety.

“(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Secretary shall—

“(1) utilize information collected pursuant to section 2(f) regarding nontraffic, noncrash injuries, and other relevant data the Secretary considers appropriate, to establish priorities for the program;

“(2) address ways in which parents and caregivers can reduce risks to small children arising from back over incidents, hyperthermia in closed motor vehicles, accidental actuation of power windows, and any other risks the Secretary determines should be addressed; and

“(3) make information related to the program available to the public through the Internet and other means.

#### “SEC. 4. DEADLINES.

“If the Secretary determines that the deadlines applicable under this Act cannot be met, the Secretary shall—

“(1) establish new deadlines; and

“(2) notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the new deadlines and describing the

reasons the deadlines specified under this Act could not be met.”

#### IMPROVING CRITERIA USED IN A RECALL

Pub. L. 106-414, §15, Nov. 1, 2000, 114 Stat. 1808, provided that:

“(a) REVIEW OF STANDARDS AND CRITERIA USED IN OPENING A DEFECT OR NONCOMPLIANCE INVESTIGATION.—The Secretary shall, not later than 30 days after the date of the enactment of this Act [Nov. 1, 2000], undertake a comprehensive review of all standards, criteria, procedures, and methods, including data management and analysis used by the National Highway Traffic Safety Administration in determining whether to open a defect or noncompliance investigation pursuant to subchapter II or IV of chapter 301 of title 49, United States Code, and shall undertake such steps as may be necessary to update and improve such standards, criteria, procedures, or methods, including data management and analysis.

“(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act [Nov. 1, 2000], the Secretary shall transmit to the Committee on Commerce [now Committee on Energy and Commerce] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Secretary's findings and actions under subsection (a).”

#### § 30112. Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment

(a) GENERAL.—(1) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard prescribed under this chapter takes effect unless the vehicle or equipment complies with the standard and is covered by a certification issued under section 30115 of this title.

(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a school or school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses under this title. This paragraph does not apply to the purchase or lease of a 15-passenger van under a contract executed before the date of enactment of this paragraph.

(b) NONAPPLICATION.—This section does not apply to—

(1) the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of a motor vehicle or motor vehicle equipment after the first purchase of the vehicle or equipment in good faith other than for resale;

(2) a person—

(A) establishing that the person had no reason to know, despite exercising reasonable care, that a motor vehicle or motor vehicle equipment does not comply with applicable motor vehicle safety standards prescribed under this chapter; or